THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 13103 of 2007

O r d e r:

The petitioner is working as Clerk-cum-Typist with the respondents. On the ground that while he was working in Singareni Collieries High School, Ramakrishnapuram, he tampered with the school records, by changing the entries in the Admission Register, Record Sheets etc., which resulted in issuance of T.Cs. with wrong dates of birth, the 1st respondent, by reason of the impugned order placed the petitioner under suspension, pending enquiry.

The learned counsel for the petitioner submitted that the petitioner did not tamper with the records while working in Singareni Collieries High School, Ramakrishnapuram. He submitted that the petitioner is presently not working in the said school, and now that he has been transferred to and presently working at Singareni Collieries High School, Sector-II, Godavarikhani, there is no scope for him to tamper with any records relating to Singareni Collieries High School, Ramakrishnapuram, and therefore, there is no need to place him under suspension. He thus prayed that the impugned order be set aside and the writ petition be allowed.

On the other hand, the learned Standing Counsel for the respondents submitted that since the petitioner while working at Singareni Collieries High School, Ramakrishnapuram, manipulated and tampered the records of the students of the said school, he has been placed under suspension, pending enquiry, and more particularly to prevent further mischief by him. He thus submitted no interference is called for with the impugned order, and prayed that the writ petition be

dismissed.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

The law is well settled that suspension of an employee, pending enquiry into the charges leveled against him, is not a punishment, but is made to ensure a free, fair and impartial enquiry, and prevent the employee from having access to the vital records and also from influencing the material witnesses. In the instant case, the petitioner has been placed under suspension on the charge that while he was working at Singareni Collieries High School, Ramakrishnapuram, he tampered with the school records of the students, which lead to issuing of T.Cs. to students with wrong dates of birth. May be the petitioner is presently not working at the place where the alleged tampering took place, but that by itself cannot be a ground not to place the petitioner under suspension, and more so when it is the specific case of the respondents that he has been placed under suspension to prevent further tampering by him. Whether the petitioner tampered with the school records or not, is a matter of enquiry, and to facilitate a free, fair and impartial enquiry, the respondents placed him under suspension. The petitioner, admittedly, did not submit any explanation to the impugned suspension order, and has directly approached this Court by filing the present writ petition. Inasmuch as suspension pending enquiry is not a punishment, no interference is called for with the impugned order. However, it is always open to the petitioner to submit his explanation to the impugned order taking the pleas, which he sought to raise in the present writ petition, which the respondents would certainly consider, and pass appropriate orders.

With the observation as above, the writ petition is dismissed.

No costs.

N.V. RAMANA, J.

Dated: July, 2007.
KSR